

AMENDED IN SENATE SEPTEMBER 2, 2011

AMENDED IN SENATE AUGUST 16, 2011

AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 20, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 853

**Introduced by Assembly Member Blumenfield Members Fong and
Huffman
(Coauthors: Assembly Members Beall, Cook, and Garrick)**

February 17, 2011

An act to amend Sections 41344.4, 46300, 46300.6, 46300.7, 51745.6, 51747, and 51747.3 of, and to add Sections 51745.2 and 51747.1 to, the Education Code, relating to schools. An act to add Section 2021.5 to the Fish and Game Code, relating to sharks.

LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, ~~Blumenfield Fong. Schools.~~ *Sharks.*

Existing law makes it unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of the Fish and Game Code, or of any regulation made under it.

This bill would create exemptions from a shark fin prohibition proposed by AB 376. The bill would require the Ocean Protection Council to submit an annual report to the Legislature that lists any shark species that have been independently certified to meet internationally accepted standards for sustainable seafood, as provided.

The provisions of the bill would become operative only if AB 376 is enacted and takes effect on or before January 1, 2012.

~~Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.~~

~~This bill, commencing with the 2011–12 school year, would authorize, for purposes of computing average daily attendance, the inclusion of pupils under the supervision and control of a certificated employee of the school district or county office of education who is delivering synchronous, online instruction, as defined, provided that this instruction meets specified criteria. The bill would require, if a school district or county office of education elects to offer synchronous, online instruction, that the school district or county office of education ensure that all pupils who choose to enroll in an online course have access to the computer hardware or software necessary for the pupil to participate in the course.~~

~~Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with certain requirements. Existing law requires, in computing the average daily attendance of a school district, that there be included the attendance of pupils participating in independent study for 5 or more consecutive schooldays. Existing law prohibits a school district or county office of education from receiving apportionments for independent study unless it has adopted and implemented certain policies.~~

~~The bill, commencing with the 2011–12 school year, would authorize the governing board of a school district or a county office of education to offer, as independent study, asynchronous, online instruction, as defined in accordance with specified criteria. The bill would require that if a school district or county office of education elects to offer asynchronous, online instruction pursuant to these provisions, that the school district or county office of education ensure that all pupils who choose to enroll in an asynchronous, online course have access to the computer hardware or software necessary for the pupil to participate in the course.~~

~~The bill would also modify the requirements relating to apportionments for independent study, by requiring that there be, at a~~

~~minimum, biweekly contact between teachers and pupils, and basing a pupil's continued participation in independent study on that pupil making satisfactory educational progress, as defined.~~

~~Existing law requires that local educational agencies and county boards of education be subject to financial and compliance audits, as specified. Existing law authorizes the county superintendent of schools to waive the requirement that a local educational agency repay an apportionment based on an audit exception if specified criteria are met.~~

~~This bill would authorize the Superintendent of Public Instruction to waive the requirement that a county board of education repay an apportionment based on an audit exception if specified criteria are met. The bill also, for both local educational agencies and county boards of education, would authorize the waiver of certain audit exceptions relating to independent study, provided that these exceptions are deemed to be minor and inadvertent.~~

~~The bill also would make technical, conforming, and clarifying changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2021.5 is added to the Fish and Game
- 2 Code, to read:
- 3 2021.5. (a) Notwithstanding Section 2021, all of the following
- 4 provisions apply:
- 5 (1) Any person who holds a license or permit issued by the
- 6 department to take or land sharks for recreational or commercial
- 7 purposes may possess, including for purposes of consumption or
- 8 taxidermy, or may donate to a person licensed or permitted
- 9 pursuant to Section 1002, a shark fin or fins consistent with that
- 10 license or permit.
- 11 (2) Before July 1, 2013, any person may possess, sell, offer for
- 12 sale, trade, or distribute a shark fin possessed by that person, as
- 13 of January 1, 2012.
- 14 (3) Nothing in Section 2021 prohibits the sale or possession of
- 15 a shark carcass, skin, or fin for taxidermy purposes pursuant to
- 16 Section 3087.
- 17 (b) (1) The Ocean Protection Council shall submit an annual
- 18 report to the Legislature that lists any shark species that have been

1 *independently certified to meet internationally accepted standards*
2 *for sustainable seafood, as defined in Section 35550 of the Public*
3 *Resources Code, and adopted by the Ocean Protection Council*
4 *pursuant to Section 35617 of the Public Resources Code, including*
5 *chain of custody standards.*

6 *(2) A report to be submitted pursuant to paragraph (1) shall be*
7 *submitted in compliance with Section 9795 of the Government*
8 *Code.*

9 *SEC. 2. This act shall become operative only if Assembly Bill*
10 *376 of the 2011–12 Regular Session is enacted and takes effect on*
11 *or before January 1, 2012.*

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14 **All matter omitted in this version of the bill**
15 **appears in the bill as amended in the**
16 **Senate, August 16, 2011. (JR11)**
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